

Proposed technical correction:

**SECTION #.** G.S. 106-702 reads as rewritten:

**"§ 106-702. Limitations on private nuisance actions against agricultural and forestry operations.**

(a) The compensatory damages that may be awarded to a plaintiff for a private nuisance action where the alleged nuisance emanated from an agricultural or forestry operation shall be as follows:

- (1) If the nuisance is a permanent nuisance, compensatory damages shall be measured by the reduction in the fair market value of the plaintiff's property caused by the nuisance, but not to exceed the fair market value of the property.
- (2) If the nuisance is a temporary nuisance, compensatory damages shall be limited to the diminution of the fair rental value of the plaintiff's property caused by the nuisance.

(b) If any plaintiff or plaintiff's successor in interest brings a subsequent private nuisance action against any agricultural or forestry operation, the combined recovery from all such actions shall not exceed the fair market value of ~~his or her property~~ the property at issue. This limitation applies regardless of whether the subsequent action ~~or actions were~~ was brought against a different defendant than the preceding ~~action or actions~~ action.

(c) This Article ~~shall apply~~ applies to any private nuisance claim brought against any party based on that party's contractual or business relationship with an agricultural or forestry operation.

(d) This Article does not apply to any cause of action brought against an agricultural or forestry operation for negligence, trespass, personal injury, strict liability, or other cause of action for tort liability other than nuisance, nor does this Article prohibit or limit any request for injunctive relief or punitive damages that are otherwise available." (2017-11, s. 1.)

Explanation: In addition to cleaning up legalese, this proposed technical correction amends G.S. 106-702(b) to reflect that the plaintiff of a private nuisance action can be an entity.